



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/015,958

10/30/2001

David George De Vorchik

MFCP.88142

6989

45809

7590

07/20/2006

SHOOK, HARDY & BACON L.L.P.
(c/o MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER

KISS, ERIC B

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/015,958	DE VORCHIK ET AL.	
	Examiner	Art Unit	
	Eric B. Kiss	2192	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Eric B. Kiss. (3) Monplaisir Hamilton (Reg. No. 54,851).
 (2) Tuan Dam. (4) _____.

Date of Interview: 11-12 July 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: _____.


Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


TUAN DAM
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Hamilton requested a personal interview with examiner Kiss, indicating that he wanted to discuss alleged errors in the rejections under 35 U.S.C. 101. Examiner Kiss indicated that an interview would not be the proper forum to debate the merits of the rejection based on legal interpretation. However, examiner Kiss offered to provide clarification for any unclear or ambiguous portions of the Office action. At examiner Kiss's request, Mr. Hamilton faxed in a proposed agenda (attached). Mr. Hamilton's agenda appeared to contain only forceful arguments alleging errors in the Office action rather than any constructive request for assistance or clarification. After consulting with Supervisory Patent Examiner (SPE) Tuan Dam, examiner Kiss denied Mr. Hamilton's request for interview. Mr. Hamilton proceeded to call SPE Dam to complain about his interview request being denied. Mr. Hamilton suggested that his request should have been granted, in part because his Request for Continued Examination (RCE) (filed November 18, 2005) had not been promptly entered. SPE Dam noted that after Mr. Hamilton notified the Office of the RCE problem (on June 15, 2006), the RCE was promptly entered and an Office action was mailed. SPE Dam suggested to Mr. Hamilton that his allegations of error with regard to the 35 U.S.C. 101 rejections would be more appropriate for a formal response to the Office action than an interview with the examiner. Nonetheless, SPE Dam offered some suggestions to help remedy the non-statutory claims: (1) recitation of computer readable STORAGE medium, and (2) the elimination of "optional" and passive language (e.g., "adapted to" and "providing").

**Shook,
Hardy &
Bacon, LLP.**
www.shb.com

TO
EXAMINER KISS, USPTO

PHONE
571-272-6399

FAX
571-273-3699

FROM
MONPLAISIR G. HAMILTON

IT #
14921

MATTER #
10/015958

DATE
JULY 11, 2006

Pages Transmitted 3

Original Document

If you experience any problems, please call 202.783.8400 extension.

Monplaisir G. Hamilton

Hamilton Square
600 14th Street, N.W., Suite
800

Washington
D.C. 20005-2004

202.783.8400

202.783.4211 Fax

mhamilton@shb.com

COMMENTS:

Per Examiner Kiss' request, attached is an Interview Agenda

fax

Confidentiality Notice: The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

132182v1

Geneva
Houston
Kansas City
London
Miami
Orange County
Overland Park
San Francisco
Tampa
Washington, D.C.

ATTACHMENT TO INTERVIEW SUMMARY

Examiner Kiss
September 1, 2005
Page 2

Applicant Initiated Interview Request

Application No.: 10/015,958
First Named Applicant: David George De Vorchick et al.
Examiners: Eric B. Kiss
Art Unit: 2192
Status of Application: **Non-FINAL**

Tentative Participants:

- (1) Monplaisir G. Hamilton, Reg. No. 54,851
- (2) Tawni Wilhelm Reg. No. 47,456
- (3) Examiner Kiss

1. Proposed Date of Interview: Tuesday July 11, 2006 between 2PM-4PM or Wednesday July 12, 2006 9AM-12PM.
2. Type of Interview Requested: Personal
3. No Exhibit To Be Shown or Demonstrated.
4. Issues To Be Discussed

Issues(Rej., Obj., etc)	Claims	Prior Art
101	4-8, 10-15, 17, 18 and 20	
102	49-56, 59, 60 and 69-76	Fedrov et al. and Gauthier et al.

5. Arguments:

The 101 rejection of claims 4-8 should be withdrawn because the claimed embodiments provides a functional interrelationship between software and hardware when transferring control to other wizard during use of the claimed host-wizard and sub-wizards. Accordingly, the 101 rejection of claims 4-8 should be withdrawn

The 101 rejection of claims 7, 12, 13 and 20 provide a practical result of extending a wizard, where a web component and host wizard are provided and integrated via an extension interface. The language of the claims requires providing a user interface that integrates the claimed web component and host wizard. These components are not just "capable of being used together." Rather the components are integrated to provide the extended wizard. Accordingly, the 101 rejection of claims 7, 12, 13 and 20 should be withdrawn.

The 101 rejection of claims 8, 10, 15 and 18 is unclear. The claimed computer readable media include communication media and computer storage media, which is a statutory embodiment of the computer readable media. Nothing in the claim language requires only the physical characteristics of a form of

132182v1

ATTACHMENT TO INTERVIEW SUMMARY

Examiner Kiss
September 1, 2005
Page 3

energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism. Rather the claims require more than just a "signal." The claims also require computer storage media. It appears the Office neglects to give total credence to all terms of the defined computer readable media. Rather effect is given only to communication media portion of the definition while disregarding the computer storage portion. This is not a reasonable interpretation of the claim language and specification.

With respect to the 102 rejection, please see the argument mailed on
October 19, 2005

Respectfully Submitted,

Monplaisir Hamilton

ATTACHMENT TO INTERVIEW SUMMARY

132182v1